

INTERVENTION



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LUBIN & ENOCH, P.C.
Nicholas J. Enoch
State Bar No. 016473
Jarrett J. Haskovec
State Bar No. 023926
349 North Fourth Avenue
Phoenix, Arizona 85003
Telephone: (602) 234-0008
Facsimile: (602) 626-3586
Email: Nick@lubinandenoch.com
Jarrett@lubinandenoch.com

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2014 FEB 24 P 4:00

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FEB 24 2014

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Attorneys for Intervenor-Applicants IBEW Locals 387, 769, and 1116

**BEFORE THE ARIZONA
CORPORATION COMMISSION**

ORIGINAL

IN THE MATTER OF THE
REORGANIZATION OF UNS
ENERGY CORPORATION.

Docket No. E-04230A-14-0011
Docket No. E-01933A-14-0011

**IBEW LOCALS 387, 769, AND 1116'S
APPLICATION FOR LEAVE TO
INTERVENE**

Pursuant to A.A.C. R14-3-105(A) and (B), Local Unions 387, 769, and 1116, International Brotherhood of Electrical Workers, AFL-CIO ("IBEW Local 387," "IBEW Local 769," and "IBEW Local 1116") (collectively, "the IBEW Locals"), by and through undersigned counsel, hereby jointly move the Arizona Corporation Commission for leave to intervene as parties in the above-captioned matter. Counsel for the Joint Applicants, UNS Energy Corporation ("UNS Energy") and Fortis, Inc. ("Fortis"), have advised the undersigned that they does not oppose the instant motion.

The IBEW Locals are the collective bargaining representatives of various units of non-managerial employees of Tucson Electric Power Company ("TEP"), UNS Electric, Inc. ("UNS Electric"), and UNS Gas, Inc. ("UNS Gas"), the Arizona utilities owned and operated, directly or indirectly, by UNS Energy Corporation. Under the proposed merger between UNS Energy and Fortis, UNS Energy and its utility subsidiaries and other affiliates would be merged with and into an indirect subsidiary of Fortis. Consequently, as the representatives of most of the above Arizona utilities' non-managerial workforce, the IBEW Locals will be directly and substantially

1 affected by the proceedings.

2 IBEW Local 1116 is directly and substantially affected by the proceedings inasmuch as it
3 is the exclusive bargaining representative of approximately seven-hundred (700) non-managerial
4 TEP employees. Among others, such represented employees at TEP include employees in the
5 following crafts and classifications: linemen/cablemen, substation electricians, fuel handlers,
6 electronics technicians, equipment servicemen, field technicians, designers, heavy equipment and
7 transport operators, maintenance electricians, maintenance mechanics, and meter repairmen.
8 Even a cursory review of this illustrative list reveals that such represented employees are among
9 those who contribute daily, directly, and significantly to TEP's efforts to provide safe and
10 reliable electric service to its customers. IBEW Local 1116, in its capacity as the exclusive
11 representative of these employees, and TEP have entered into a long series of collective
12 bargaining agreements ("CBA") dating back to November 16, 1937 concerning rates of pay,
13 wages, hours of employment, and other terms and conditions of employment. Furthermore,
14 IBEW Local 1116 intervened in Docket No. E-01933A-12-0291 and was a party to the 2012 TEP
15 rate case settlement agreement, which was approved in Decision No. 73912.

16 In addition, IBEW Local 1116 is also the exclusive bargaining representative of
17 approximately one-hundred and ten (110) employees of UNS Gas, a utility subsidiary of
18 UniSource Energy Services, Inc. ("UES"). In particular, IBEW Local 1116 represents all of the
19 UNS Gas employees holding the following positions: construction and maintenance crewmen,
20 customer service representatives, dispatchers, material control technicians, meter readers,
21 planners, service technicians, and utility persons. IBEW Local 1116 and UNS Gas are likewise
22 parties to a CBA concerning rates of pay, wages, hours of employment, and other terms and
23 conditions of employment at UNS Gas. In the most recent UNS Gas rate case (Docket No. G-
24 04204A-11-0158; Decision No. 73142), IBEW Local 1116 was granted intervenor status.

25 IBEW Local 769 is the exclusive bargaining representative of approximately eighty (80)
26 employees of the Mohave County Electric Operations of UNS Electric, another utility subsidiary
27 of UES. In particular, IBEW Local 769 represents all of the UNS Electric employees in Mohave
28 County in the following crafts and positions, among others: linemen, substation electricians,

1 power line locators, electric utility inspectors, metering technicians, equipment operators,
2 groundmen, warehouse persons, meter readers, customer care representatives, engineering
3 technicians, system operators, customer technicians, and maintenance technicians. IBEW Local
4 769 and UNS Electric are parties to a CBA concerning rates of pay, wages, hours of employment,
5 and other terms and conditions of employment covering such employees in Mohave County. The
6 current CBA is set to expire, at the earliest, on June 15, 2016. Moreover, among other
7 employees it represents at companies not affiliated with UNS Energy, IBEW Local 769 also
8 represents a large number of employees of signatory electrical contractors who perform outside
9 line construction and maintenance work, including tele-data, street light, and trenching,
10 throughout the State of Arizona. IBEW Local 769 has been granted intervenor status in a
11 number of proceedings before the ACC, including several recent rate cases filed by Arizona
12 Public Service Company and, notably, a prior UniSource reorganization proceeding in Docket
13 No. E-04230A-03-0933.

14 In addition to representing several other large employee groups at other ACC-regulated
15 Arizona utilities and elsewhere, IBEW Local 387 is the exclusive representative of a number of
16 employees of the Santa Cruz District of UNS Electric. In particular, IBEW Local 387 represents
17 the UNS Electric employees in Santa Cruz County who work in a variety of positions related to
18 the transmission and distribution of electricity, among other things. IBEW Local 387 and UNS
19 Electric are parties to a CBA concerning rates of pay, wages, hours of employment, and other
20 terms and conditions of employment at UNS Electric for its operations in Santa Cruz County.
21 IBEW Local 387 has likewise been permitted to intervene in a number of proceedings before the
22 ACC, including several recent rate cases filed by Arizona Public Service Company and, once
23 again, a prior UniSource reorganization proceeding in Docket No. E-04230A-03-0933.

24 The Arizona Constitution expressly recognizes the status of employees of public service
25 corporations as central stakeholders and their interests as important considerations for any
26 Commission action. Article XV § 3 of the Arizona Constitution provides in this regard that
27 “[t]he Corporation Commission shall . . . make and enforce reasonable rules, regulations, and
28 orders for the convenience, comfort, and safety, and the preservation of the health, of the

1 employees and patrons of [public service corporations].”

2 As the foregoing demonstrates, the IBEW Locals not only have a direct interest in the
3 outcome of this rate proceeding, but what is more, there is a substantial risk that this case may
4 impair their interests absent being permitted to intervene into the above-captioned matter. The
5 IBEW Locals are confident that their participation in these proceedings will not unduly broaden
6 the issues presented herein. Similarly, given their unique status as the exclusive representative of
7 many employees who work for UNS Energy utility subsidiaries, no existing (or potential) party
8 could adequately protect the interests of the IBEW Locals or offer the perspective the IBEW
9 Locals are uniquely positioned to present. The IBEW Locals submit that their participation will
10 lead to a more well-reasoned decision on the part of the Arizona Corporation Commission.

11 **WHEREFORE**, the IBEW Locals respectfully request that the Commission issue an
12 order permitting them to intervene in this matter and according them full rights as parties of
13 record.

14 **RESPECTFULLY SUBMITTED** this 24th day of February, 2014.

15 **LUBIN & ENOCH, P.C.**

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18 Jarrett J. Haskovec

Attorneys for Intervenor-Applicants

19 Original and thirteen (13) copies
20 of IBEW Locals' Application
21 to Intervene filed this 24th day
22 of February, 2014, with:

23 Arizona Corporation Commission
24 Docket Control Center
25 1200 West Washington Street
26 Phoenix, Arizona 85007-2996

27 Copies mailed this same date to:

28 Lyn Farmer
Chief Administrative Law Judge
Hearing Division
Arizona Corporate Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Steve Olea
2 Director, Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Janice Alward
7 Chief Counsel, Legal Division
8 Arizona Corporation Commission
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 Bradley Carroll
12 UNS Energy Corporation
13 88 East Broadway Boulevard, MS HQE910
14 P.O. Box 711
15 Tucson, Arizona 85702

16 Michael Patten
17 Roshka DeWulf & Patten, PLC
18 One Arizona Center
19 400 East Van Buren Street, Suite 800
20 Phoenix, Arizona 85004

21 Patricia Lee Refo
22 Snell & Wilmer, L.L.P.
23 One Arizona Center
24 400 East Van Buren Street, Suite 1900
25 Phoenix, Arizona 85004

26 Daniel Pozefsky
27 Chief Counsel
28 Residential Utility Consumer Office
1110 West Washington Street, Suite 220
Phoenix, Arizona 85007

C. Webb Crockett
Patrick J. Black
Fennemore Craig, P.C.
2394 East Camelback Road, Suite 600
Phoenix, Arizona 85016